

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: ) CASE NO. BK 16-41395  
 ) Chapter 7  
HAPPY JACKS PETROLEUM, INC. )  
 )  
Debtor. )

APPLICATION FOR APPROVAL OF SALE OF PERSONAL PROPERTY, INCLUDING  
EQUIPMENT AND INVENTORY BY PUBLIC AUCTION FREE AND CLEAR OF LIENS;  
NOTICE OF OBJECTION/RESISTANCE DEADLINE;  
AND CERTIFICATE OF SERVICE

COMES NOW the Trustee and for his Application for Approval of Sale by Auction, and  
alleges as follows:

1. Among the assets of the bankruptcy estate is personal property consisting of equipment and convenience store items, including store inventory.
2. The Trustee proposes to sell these items by public auction conducted by Helberg & Nuss Auctions & Realty, a bonded and licensed auction company. The auctioneer will be paid a commission of 10% of the gross proceeds from the sale of all personal property, plus advertising and expenses.

The auctioneer has agreed to charge the bankruptcy estate \$12.00 to \$15.00 per hour per person for the manpower in use for assembling, transporting, and inspecting the property so that the property can be assembled and placed at the auction location prior to sale.

The sale date will be February 6, 2018 beginning at 10:00 a.m. MT, at 507 East 3<sup>rd</sup> Street, Brule, Nebraska. The items listed will be sold to the highest bidder.

3. Included in the list of items to be sold is the convenience store inventory and oil inventory. These items are subject to secured liens of banks. The Trustee intends to sell these items at the public auction with the liens for each item attaching to the sale proceeds pursuant to 11 U.S.C. 363. Trustee anticipates the sale proceeds will not be sufficient to satisfy the liens of the creditors.

4. Based upon the sale proceeds, there may be income tax due if there is enough money generated from the sale. Tax will be due based upon applicable income tax rate pursuant to the agreement between the Trustee and secured creditors.

5. In addition to the terms and provisions of the proposed acts described above, the Trustee shall have the right to determine, in his sole discretion, all other terms and conditions of the proposed action which are necessary or convenient to the conclusion of the proposed action described above. Transfer of title may be made by the Trustee without further notice upon such terms and in such manner as shall be determined by the Trustee in his sole discretion.

WHEREFORE, the Trustee prays for an order of the court approving the sale of items of personal property described herein at auction under the terms and conditions set forth above, by Helberg & Nuss Auctions & Realty and payment of commission and expenses as set forth herein.

Nebraska Rule of Bankruptcy Procedure 9013 provides that all resistances to the Trustee's Application for Approval of Sale by Auction shall set forth the specific factual and legal basis and conclude with a particular request for relief and shall be served in conformance with Nebraska Rule of Bankruptcy Procedure 9014.

**IF NO WRITTEN RESISTANCE OR REQUEST FOR HEARING IS FILED WITH THE BANKRUPTCY COURT CLERK, 460 FEDERAL BUILDING, 100 CENTENNIAL MALL NORTH, LINCOLN, NE 68508 AND SERVED UPON PHILIP KELLY, TRUSTEE, ON OR BEFORE January 17, 2018 THE BANKRUPTCY COURT WILL CONSIDER ENTERING AN ORDER GRANTING THE RELIEF SOUGHT IN THE TRUSTEE'S APPLICATION FOR APPROVAL OF SALE BY AUCTION.** If a timely resistance or request for hearing is filed and served, the Bankruptcy Court will schedule a hearing with notice of the hearing being limited to parties who timely file a written resistance or request for hearing and the Trustee.

**PLEASE GOVERN YOURSELVES ACCORDINGLY.**

DATED: December 27, 2017

PHILIP M. KELLY, Trustee

By Philip M. Kelly  
Philip M. Kelly, NSBA #15427  
DOUGLAS, KELLY, OSTDIEK, SNYDER,  
OSSIAN, VOGL and SNYDER, P.C.  
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CERTIFICATE OF SERVICE

A copy of the foregoing was sent this 27th day of December, 2017 by regular United States mail, sufficient postage attached, to all parties on the attached mailing matrix, except for those receiving notification electronically via the CM/ECF system as indicated by a (+) beside their name on the attached matrix.

  
Philip M. Kelly, NSBA #15427

Label Matrix for local noticing

0867-4

Case 16-41395-TLS

District of Nebraska

Lincoln Office

Wed Dec 27 14:21:37 CST 2017

Happy Jack's Petroleum, Inc.

P.O. Box 130

Brule, NE 69127-0130

Adams Bank & Trust

315 N. Spruce

Ogallala, NE 69153-2554

Great Western Enterprises, Inc.

202 North Spruce

Ogallala, NE 69153-2553

Leon Lee

75990 Rd 330

Grant, NE 69140-3230

Lemmert Hay and Grinding L.L.C.

90 West Highway 92

PO Box 150

Lemoine, NE 69146-0150

Meyer Bros  
76851 Road 338  
Madrid, ne 69150-4048

Bruce E. Schreiner  
Schroeder & Schreiner, P.C.  
2535 North Carleton Avenue, Suite B  
Grand Island, NE 68803-1252

Doug Skiles  
McPherron, Skiles & Loop, CPAs, P.C.  
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North Platte, NE 69101-5306

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Ogallala, NE 69153-4515

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Lemoine, NE 69146-3920

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Kingwood, TX 77339-1535

Ascentium Capital LLC  
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Dallas, TX 75303-1593

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Paxton, NE 69155-1730

Baumann Enterprises  
P.O. Box 115  
Lemoine, NE 69146-0115

Baumann, Loy  
P.O. Box 115  
Lemoine, NE 69146-0115

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P.O. Box 224  
Keystone, NE 69144-0224

Beckius, Carl  
77075 Road 346  
Paxton, NE 69155-4012

Beckman, Joyce  
75925 Road 310  
Venango, NE 69168-4014

Belsan, Jay  
#93 K-1 Cabin Area  
Ogallala, NE 69153

Benge, Jerry  
32756 Highway 23  
Grant, NE 69140-3225

Bishop, Gaylord  
P.O. Box 65  
Grant, NE 69140-0065

Boehs, John  
33260 Road 756  
Madrid, NE 69150-4087

Boerder, Bill  
P.O. Box 33  
Keystone, NE 69144-0033

Bootleg Bar  
P.O. Box 14  
Madrid, NE 69150-0014

Brinkeman, Harry & Sally  
1229 S. Sherman Avenue  
Holyoke, CO 80734-2033

Buchta, Karl  
18320 Road 22  
Chappell, NE 69129-6819

Burgess, Larry  
71633 Farm Valley Lane  
Ashby, NE 69333-8810

Chisholm, Lee  
#1 Hoffman Estates  
Brule, NE 69127-4115

Conrad Lobner  
20721 Rd 56  
Lewellen, NE 69147-8002

Cullinan, Robert  
399 Sarben B St.  
Paxton, NE 69155-5219

Dahlkoetter, Earl  
76860 Road 327  
Ogallala, NE 69153-4009

Dahlkoetter, Lloyd  
32690 Road 766  
Grant, NE 69140-3312

Day Land & Cattle  
75385 Road 340  
Madrid, NE 69150-4074

Day, Jason  
75350 Road 341  
Madrid, NE 69150-4060

Deaver, John  
75960 Road 318  
Grant, NE 69140-2035

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Dodson Motors, Inc.  
P.O. Box 206  
Venango, NE 69168-0206

Dodson, Nathaniel  
P.O. Box 6  
Venango, NE 69168-0006

Dooley Oil  
P.O. Box 2056  
Scottsbluff, NE 69363-2056

Dooley Oil Inc.  
PO Bx 370  
Laramie, WY 82073-0370

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209 S. Hardy Avenue  
Madrid, NE 69150-4000

Dukes Autobody  
P.O. Box 172  
Brule, NE 69127-0172

Edmonds, George  
304 Hardy Avenue  
Ogallala, NE 69153

Ervin, Joan  
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Brule, NE 69127-3758

Faessler, John & Kelly  
12370 US Highway 30  
Sidney, NE 69162-3044

Fairbank Equipment  
P.O. Box 13237  
Wichita, KS 67213-0237

Foster, Tom  
31810 Road 755  
Grant, NE 69140-2028

Franklin, John  
114 Hidden Canyon Est.  
Brule, NE 69127-4126

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P.O. Box 23  
Madrid, NE 69150-0023

Gager, Glenn  
135 Highway 92 West  
Lemoyne, NE 69146

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Brule, NE 69127-3353

Great Western Enterprises, Inc.  
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Ogallala, NE 69153-0720

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702 Keystone Lake Road  
Keystone, NE 69144-1730

Hansmeier Land & Cattle  
702 Keystone Road  
Keystone, NE 69144

Hatch Farms  
P.O. Box 38  
Grant, NE 69140-0038

Hatch's Farm, Inc.  
522 West 5th  
PO Box 38  
Grant, NE 69140-0038

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2210 Mathews Avenue  
Fort Lupton, CO 80621-7710

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Lodgepole, NE 69149-2597

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Lodgepole, NE 69149-2540

Holscher, Kelly  
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Ogallala, NE 69153-5316

Holzfaster's Farm  
77045 Road 343  
Paxton, NE 69155-4000

Howard, David  
144 Henry Street  
Lodgepole, NE 69149-2531

Ingold, Shannon  
410 Road East 10  
Ogallala, NE 69153-4306

Ingold, Shaun  
74352 343 Avenue  
Wauneta, NE 69045-6534

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P.O. Box 190  
Brule, NE 69127-0190

Intensive Auto  
P.O. Box 34  
Madrid, NE 69150-0034

Jack Hill  
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Brule, NE 69127-2513

Jack Orr  
1303 Sioux Ridge Drive  
Ogallala, NE 69153-3316

Jack and Vicki Hill  
975 Road West 60  
Brule, NE 69127-2513

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P.O. Box 193  
Venango, NE 69168-0193

Jaeger, John  
74261 - 324 Avenue  
Imperial, NE 69033-3052

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Brule, NE 69127-4007

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32055 Road 761  
Grant, NE 69140-2003

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Sidney, NE 69162-3013

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Keystone, NE 69144

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Lodgepole, NE 69149-2532

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Paxton, NE 69155-2924

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Meyer, Martin P.O. Box 115 Paxton, NE 69155-0115	Meyer, Rendale 76765 Road 317 Big Springs, NE 69122-2327	Meyer, Ryal 31945 Road 769 Brule, NE 69127-4006
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Munn, Corey 1741 Highway 30 Big Springs, NE 69122-2294	Ogier, Kenny 41548 S. Morning View Road Wauneta, NE 69045	Onken, Michelle P.O. Box 806 Chappell, NE 69129-0806
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Grant, NE 69140-3342

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Keystone, NE 69144-2507

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Gross & Welch  
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George Vinton Attorney at Law  
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Gross & Welch, PC  
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Denny Ansley

(u)Hansens's Petroleum Products

(u)Hansmeier Land and Cattle

(u)John Orr dba Signal Bluff Ranch

(u)Kingsley Cattle Co, a Nebraska Corporation

(u)Liberty Farms

(du) John Orr  
dba Signal Bluff Ranch

(u) Jim Perrin

(d) Meyer Bros.  
76851 Road 338  
Madrid, NE 69150-4048

(d) Philip M. Kelly +  
Chapter 7 Trustee  
PO Box 419  
105 E. 16th Street  
Scottsbluff, NE 69361-3140

End of Label Matrix  
Mailable recipients 169  
Bypassed recipients 10  
Total 179